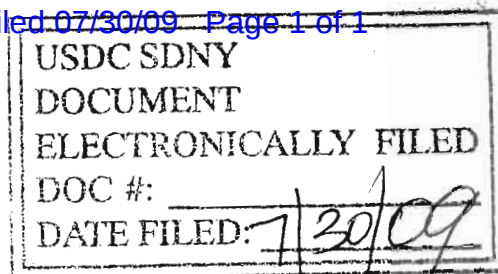


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
MANHATTAN TELECOMMUNICATIONS CORP., :
 :
Plaintiff, :
 :
-v- :
 :
GLOBAL NAPS, INC., :
 :
Defendant. :
-----x



08 Civ. 3829 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Subsequent to a joint call to chambers initiated by the defendant in the above-captioned matter, the Court requested that parties submit letter briefs addressing whether the defendant should be permitted to designate an expert to testify at trial, which is scheduled to commence in a mere six weeks. After careful consideration of the parties' submissions, the Court hereby denies the defendant's request. Not only would expert testimony be inappropriate to address the factual issue in question, the request comes at the eleventh hour, long after discovery had already closed. Indeed, allowing for an expert designation at this point, particularly in the absence of a relevant fact witness who can speak to the origination of the telecommunications traffic, would be highly prejudicial to the plaintiff. The parties are reminded that trial in this matter will begin at 9 AM on September 8, 2009.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
July 28, 2009